

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measure of the Permanent Commission -

MEASURE No. 18/238

Modifying the Support to States Policy

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol signed at Brussels on 12 February 1981 and in particular Articles 11 and 7.2 thereof;

On the proposal of the Director General and the Provisional Council;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The Support to States Policy at Annex is hereby approved.

Article 2

1. This Measure supersedes Permanent Commission Measure No. 14/207, of 5 December 2014.
2. It shall enter into force as from 1 January 2019.
3. The Agreements concluded under the pre-existing Support to States Policy, which are still in force at the date of entry into force of this Measure, shall remain in effect until terminated in accordance with their termination clauses.

Done at Brussels on 21.12.2018



Mirjana ČIZMAROV
President of the Permanent Commission

EUROCONTROL Support to States Policy

1. OBJECTIVE

This EUROCONTROL Policy shall define the rules and overall process applicable to Support to States (STS) by the Agency in application of Article 2.2 a) of the amended Convention.

Its purpose shall be to add value to the Pan-European ANS ¹ network and enhance the compliance of EUROCONTROL States with the applicable legal framework through targeted projects supporting States and their national authorities.

2. SCOPE

This Policy shall specifically address customised support delivered at the request of individual States, groups of States or their national authorities. Any other Agency activity shall be outside the scope of this Policy.

“States” shall be deemed to be EUROCONTROL Member States or Comprehensive Agreement States. Other national stakeholders (e.g. ANSPs, airports, environmental agencies) may be associated in the support where the requesting State deems it necessary.

3. GENERAL RULES

3.1. STS funding

As a general rule, the User Pays Principle (UPP) shall apply to STS in accordance with Permanent Commission Directive No 12/80.

Support to States (STS) may, however, be funded under UPP, Part I of the Agency Budget or a mix thereof.

STS shall be eligible for funding under Part I of the Agency Budget (“Jointly Funded Support” – JFS) under the conditions defined in section 4 below.

The annual JFS budget shall be identified and approved as part of the Agency Budget and the Agency Work Programme.

¹ See ICAO Doc 9734 Part A.

3.2. Special Agreements

Any STS must be formalised in a Special Agreement based on the model agreement template at Annex to Permanent Commission Measure No 04/104². If the State so wishes, the Special Agreement may take the form of a framework agreement, in which case each JFS request shall be the subject of a new Annex to the Special Agreement³. Any reference to “Special Agreement” should be read as “annex to Special Agreement” in the case of a framework agreement.

3.3. Subcontracting

In general, STS shall be provided using available Agency expertise. Any necessary subcontracting for complementary external effort shall be funded by the States under the UPP. Subcontracts to that effect shall be let in accordance with the Contract Regulations of the EUROCONTROL Organisation.

3.4. Invoicing option for STS under UPP

At the specific request of a State, payment for the STS services it receives under the UPP in a given year may be incorporated in the annual contributions invoice process.

4. RULES APPLICABLE TO “JOINTLY FUNDED SUPPORT (JFS)”⁴

4.1. Requests for support

Member States and Comprehensive Agreement States are eligible for JFS.

Requests for JFS must be submitted to the Director General using a standard form to be published by the Agency.

Requests for JFS shall include:

- the requested support actions,
- expected benefits for the network in qualitative or quantitative terms,
- at least one indicator and associated target designed to measure progress arising from the support actions. The “Support Priority Indicator” (SPIn) values as defined in Annex I may be used as an indicator for this purpose.

4.2. Special Agreements

Special Agreements on JFS shall include:

- support actions and their planning;

² CN Measure No 04/104 “authorising the Agency to open negotiations and to conclude, on the Organisation’s behalf, special agreements relating to the provision of support to Member States and non-Member States which are Members of ECAC, or to International Organisations”.

³ For clarification, other EUROCONTROL services which are not STS may also be the subject of separate annexes to a framework agreement, irrespective of whether they are subject to the UPP in accordance with CN Directive No 12/80 or JFS.

⁴ As stated under 3.1.2, “jointly funded support”, STS shall be funded through the common EUROCONTROL budget, i.e. Part I of the Agency Budget, with the objective of achieving benefits for the whole European ANS network.

- a requirement for annual reporting on progress by States using one or more agreed indicators and targets designed to measure progress arising from the support actions;
- the expected benefits for the network in qualitative or quantitative terms;
- a requirement for reporting by States on actual benefits for the network in qualitative or quantitative terms at the end of the agreement.

The duration of any one JFS action shall not exceed three years. No JFS action may under any circumstances be extended beyond three years except if it is funded under the UPP.

Special Agreements shall specify the planned yearly effort (and associated budget) over their duration.

4.3. Prioritisation of effort allocated to Jointly Funded Support

The following rules shall apply to prioritising and allocating effort to JFS:

Once a year, the Agency shall:

- publish the SPIn values and allocate the updated effort corresponding to ongoing Special Agreements;
- allocate effort to new requests for support on the basis of the ascending order of SPIn within the available STS budget and the expected benefit of the JFS for the network.

The criteria and benchmarks from which the SPIn is derived, and the options for computing those criteria and benchmarks, may be amended on the basis of lessons learned and in order to address new requirements. The Agency shall submit any consequent amendment to Annex I of this policy to the Provisional Council for approval⁵.

Expenditure for JFS shall be authorised within the strict limits of the budget planned for JFS in the Agency Business Plan.

New Member and Comprehensive Agreement States, as well as non-EU States implementing the EU Aviation Acquis shall be eligible for corresponding JFS once for a maximum period of five years, irrespective of their SPIn value.

In the event of any request for support by a group of States, their average SPIn value shall apply for prioritisation of JFS.

4.4. Assessment of effort by the Agency

Each year, the Agency shall:

- update the effort required for ongoing support actions within limits set in the respective Special Agreements, and
- assess the effort required over time for new requests in liaison with the requesting authority.

⁵ By a majority of at least 75% of the weighted votes cast, as provided for in Article 6 of the Rules of Procedure of the Provisional Council.

5. MONITORING AND REPORTING

States benefiting from JFS shall report progress to the Agency as required in the Special Agreement.

The Director General shall report on an annual basis to the Provisional Council through the SCF on the implementation of this Policy as regards JFS. The report shall include actual effort and budget per State and information on progress and results:

- based on successive updates of the SPIn. Individual declarations provided by the States concerned for the “ICAO Continuous Monitoring Process” purposes may replace ‘USOAP Effective Implementation’ indicators in SPIn updates;
- using tailored indicators and targets reported by States in accordance with the Special Agreements;
- comparing statements about actual and expected benefits for the network when a Special Agreement terminates.

Annex I: Definition of the SPIn indicator

The initial version of the Support Priority Indicator (SPIn) shall be based on an average of effective implementation (EI) scores in the six following audit areas of the ICAO Universal Safety Oversight and Audit Programme, namely air navigation services (ANS), legislation (LEG), organisation (ORG), personnel and training (PEL), accident investigation (AIG) and aerodromes (AGA).

NOTE: the USOAP Effective Implementation (EI) scores are publicly available at <https://www.icao.int/safety/Pages/USOAP-Results.aspx>.

This definition may be updated by decision of the Provisional Council on the proposal of the Agency or Member States.